

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/993,511

REMARKS

Claims 1-18 are all the claims pending in the application. Applicant thanks the Examiner for indicating that claims 5-7, 9-11 and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 1-4, 8, 12-14 and 18 presently stand rejected.

The Abstract of the Disclosure is objected to. Applicant amends the Abstract accordingly.

The Examiner has not acknowledged receipt or indicated approval of the drawings filed on February 4, 2002. Applicants respectfully requests approval of the drawings in the next Office action.

Claim 3 is objected to because of informalities. Applicant amends the claims to clarify the language to which the Examiner objected.

Claim 1 is rejected under 35 U.S.C. § 102(a) as being anticipated by Nishikawa et al. (WO 00/76902 A1).

Claims 2-4, 8, 12-14 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishikawa et al. (WO 00/76902 A1) in view of Hirooka et al. (5,325,935).

Analysis

Rejection under 35 U.S.C. § 102(a)

The Examiner rejected Claim 1 under 35 U.S.C. § 102(a) as being anticipated by PCT Application No. WO 00/76902 A1, filed June 14, 1999 by Nishikawa Takeshi (hereafter referenced as WO '902).

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Applicant notes that the publication date of WO '902 is December 21, 2000 which is after Applicant's foreign priority date of November 28, 2000. Therefore, Applicant may remove this reference as prior art, by perfecting the claim to foreign priority under 37 C.F.R. § 1.55(a).

Accordingly, Applicant submits herewith a certified English translation of the priority documents 2000-361481 and 2000-361482, in order to perfect the claim to priority in the pending application and have the WO '902 reference removed as prior art in the § 102(a) rejection.

Rejection under 35 U.S.C. § 103(a)

Claims 2-4, 8, 12-14 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO '902 in view of U.S. Patent No. 5,325,935, issued July 5, 1994 to Shigeru Hirooka et al. (hereafter referenced as '935), stating that it would have been obvious to one skilled in the art at the time of the invention to modify the WO '902 vehicle by incorporating the features of '935.

As noted above, Applicant removes the WO '902 reference as prior art by perfecting the claim to foreign priority, since this reference published after Applicant's foreign priority date. Thus, WO '902 should be removed as prior art in the § 103(a) rejection also.

Since the '935 reference does not teach or suggest the invention according to claims 2-4, 8, 12-14 and 18, Applicant respectfully requests that this obviousness rejection be withdrawn.

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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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